

263-4003/2368279

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATRICIO JIMENEZ, MARIBEL GONZALEZ-  
MOSSO JIMENEZ,

Plaintiffs,

DECLARATION OF  
THOMAS A. CATALANO

-against-

THE CITY OF NEW YORK THE CITY OF NEW  
YORK; DETECTIVE JAMES QUILTY; NEW  
YORK CITY HEALTH AND HOSPITALS  
CORPORATION; HARLEM HOSPITAL  
CENTER; KRYSTAL MERRITT; HANNA  
COHEN; CYRACOM INTERNATIONAL, INC.,  
THE MOUNT SINAI HOSPITAL; MOUNT SINAI  
HOSPITALS GROUP, INC.,; REYNOLD  
TROWERS; and JOHN/JANE DOE #1-3,

1:14-CV-02994-SAS

Defendants.

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Thomas A. Catalano, declares:

1. I am member of the bar of this Court, and a member of Lester Schwab Katz & Dwyer, LLP, attorneys for The Mount Sinai Hospital, The Mount Sinai Hospitals Group, Inc. and Hannah Cohen s/h/a Hanna Cohen (“the Mount Sinai Defendants”). I made this declaration in support of the Mount Sinai Defendants’ motion to dismiss the first amended complaint (FAC), pursuant to Rule 12(b)(6), on the grounds that it fails to state a claim for which relief may be granted.

**CERTIFICATION THAT PRE-MOTION LETTER WAS  
SERVED AND PROCEDURAL HISTORY**

2. Pursuant to Judge Scheindlin’s Individual Rules and Procedures, Section IV.B, on June 9, 2014, I sent a letter by email and first class mail to plaintiff’s counsel, Gregory P. Mouton, Jr., setting forth the grounds for a motion to dismiss the original complaint as to the

Mount Sinai Defendants. Plaintiffs' counsel did not respond to the pre-motion letter. The Mount Sinai Defendants moved to dismiss the original complaint on June 20, 2014.

3. At a conference on July 7, 2014, plaintiff's counsel stated that he would serve a first amended complaint (FAC) by July 14, 2014. Our motion to dismiss the original complaint was denied with leave to renew. The defendants were directed to file motions to dismiss the FAC by July 28, 2014. Plaintiffs must file opposition papers by August 11, 2014. Reply papers are due August 29, 2014.

### **SUPPORTING DOCUMENTS**

4. In support of the motion, the Mount Sinai Defendants submit:
1. Declaration of Hannah Cohen, dated June 20, 2014
  2. Declaration of Lynn Frederick-Hawley, dated June 20, 2014
  3. Memorandum of Law
  4. The following exhibits:
    - A FAC
    - B Letter confirming agreement for SAVI to provide services to Harlem Hospital
    - C SAVI Advocate Report Form regarding plaintiff Maribel Gonzalez-Mosso Jimenez's visit to Harlem Hospital on December 26, 2011
    - D Harlem Hospital emergency department triage note regarding plaintiff Maribel Gonzalez-Mosso Jimenez for December 26, 2011

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 23, 2014, New York, New York.

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/s/  
Thomas A. Catalano